



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

**ELECTRONIS SERVICE VIA EMAIL**  
**RETURN RECEIPT REQUESTED**

Ashley Zapp  
Senior Environmental Engineer  
BP-Husky Refinery  
4001 Cedar Point Road  
Oregon, Ohio 43616

Re: Request for Information Regarding EPCRA Section 304 and CERCLA 103(a) for the  
BP-Husky Refinery, Oregon, Ohio

Dear Ms. Zapp:

The U.S. Environmental Protection Agency is currently investigating your facility's compliance with Section 304 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. § 11004, and Section 103(a) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9603. This investigation includes but is not limited to the releases of hydrogen sulfide and sulfur dioxide at the BP-Husky Refinery Facility in Oregon, Ohio, on September 20, 2022.

You are hereby requested to respond to the Information Request enclosed within 60 days of receipt of this letter. Please be advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal fines or up to five years of imprisonment or both under 18 U.S.C. § 1001. If you are unable to respond in a timely fashion because of impacts related to the COVID-19 pandemic, please submit a written extension request via email to [entzminger.james@epa.gov](mailto:entzminger.james@epa.gov), explaining the specific impacts on your ability to respond.

EPA has the authority to use the information requested herein in an administrative, civil, or criminal action. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501, et seq.

Any response should be submitted to EPA electronically, to the extent possible and sent to [entzminger.james@epa.gov](mailto:entzminger.james@epa.gov). The subject line of all email correspondence must include Respondent's name: BP-Husky Refinery, Oregon, Ohio. All electronically submitted materials must be in final and searchable format, such as Portable Document Format (PDF) with Optical Character Recognition (OCR) applied. If your response is too large to be submitted over email or contains Confidential Business Information, please inform [entzminger.james@epa.gov](mailto:entzminger.james@epa.gov), of that issue and we will send you a secure link to a website that will allow you (and you alone) to upload your response. If electronic submittal is not possible, the submissions must be sent to the following addresses:

James Entzminger  
Chemical Emergency Preparedness  
and Prevention Section (SE-5J)  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Please direct any questions you may have regarding this Information Request to James Entzminger at (312) 886-4062 or [entzminger.james@epa.gov](mailto:entzminger.james@epa.gov).

EPA strongly encourages you to give this matter your immediate attention and to respond to this Information Request within the time specified above.

Thank you for your cooperation in this matter.

Sincerely,

Jason El-Zein, Manager  
Emergency Response Branch 1  
Superfund & Emergency  
Management Division

Enclosures (3):

1. Information Request Definitions
2. Information Request Instructions
3. Information Request

## **DEFINITIONS**

For the purpose of the Instructions and the Information Request set forth herein, the following definitions shall apply:

1. The terms “you” or “Respondent” shall mean the organization or entity identified in the cover letter, and its officers, managers, employees, contractors, trustees and agents.
2. The term "person" as used herein, in the plural as well as the singular, shall mean any natural person, firm, contractor, corporation, partnership, trust or governmental entity, unless the context indicates otherwise.
3. The terms "and" as well as "or" shall be construed either conjunctively or disjunctively as necessary to bring within the scope of this Information Request all information which might otherwise be construed to be outside their scope.
4. The terms "furnish," "describe," or "indicate" shall mean turning over to the EPA either original or duplicate copies of the requested information in the possession, custody, or control of the Respondent. Where specific information has not been memorialized in any document but is nonetheless responsive to a request, you must respond to the request with a written response. If such requested information is not in your possession, custody, or control then indicate where such information or documents may be obtained.
5. The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles) of any hazardous chemical, extremely hazardous chemical, toxic chemical, or hazardous substance.
6. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, including mixtures of hazardous substances with other substances including petroleum products.
7. The term "hazardous chemical" shall have the same definition as that contained in Section 1910.1200(c) of title 29 of the Code of Federal Regulations except that such term does not include the following:
  - a) Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration.
  - b) Any chemical present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use.

- c) Any chemical to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public.
  - d) Any chemical to the extent it is used in a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual.
  - e) Any chemical to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.
8. The term "extremely hazardous substance" means a chemical on the list contained in Section 302(a)(2) of EPCRA.
  9. The term "toxic chemical" means a chemical on the list described in Section 313(c) of EPCRA.
  10. The term "environment" includes water, air, and land and the interrelationships which exist among and between water, air, and land and all living things.
  11. The terms "transport" or "transportation" mean the movement of a hazardous chemical by any mode, including pipeline, and in the case of a hazardous chemical which has been accepted for transportation by a common or contract carrier, the terms "transport" or "transportation" shall include any stoppage in transit which is temporary, incidental to the transportation movement, and at the ordinary operating convenience of a common or contract carrier, and any such stoppage shall be considered as a continuity of movement and not as the storage of a hazardous chemical.
  12. The term "facility" means all buildings, equipment, structures, and other stationary items which are located on a single or on contiguous or adjacent sites and which are owned or operated by the same person (or by a person who controls, is controlled by, or is under common control with such person).
  13. The term "material safety data sheet (MSDS)" means the sheet required to be developed under Section 1910.1200(g) of Title 29 of the Code of Federal Regulations, as that section may be amended from time to time.
  14. The term "safety data sheet (SDS)" means the sheet required to be developed under Section 1910.1200(g) of Title 29 of the Code of Federal Regulations, as that section may be amended from time to time.
  15. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §§ 9601-9675, the Resource Conservation and Recovery Act

(RCRA), 42 U.S.C. §§ 6901-6991; 40 C.F.R. Part 300 or 40 C.F.R. Parts 260-280, in which case the statutory or regulatory definitions shall apply.

## **INSTRUCTIONS**

1. A separate response must be made to each of the questions set forth in this Information Request.
2. Precede each answer with the number in the Information Request to which it corresponds.
3. In answering each request, identify all contributing sources of information.
4. If information not known or not available to the Respondent as of the date of submission of its response should later become known or available, Respondent must supplement its response to EPA. Moreover, should the Respondent find at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth, Respondent must notify EPA as soon as possible.
5. You must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete.

6. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read carefully the above-cited regulations before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

### **INFORMATION REQUEST**

1. Identify all persons consulted in the preparation of the answers to this request.
2. Identify all documentation consulted, examined, or referred to in the preparation of the answers to this request and provide copies of all such documents.
3. What is BP-Husky Refinery's Standard Industrial Classification Code?
4. What is BP-Husky Refinery's North American Standard Industrial Classification Code?
5. What is BP-Husky Refinery's Dun & Bradstreet number?
6. What is BP-Husky Refinery's annual sales for the most recently completed fiscal year?
7. How many employees are employed at BP-Husky Refinery, Oregon, Ohio?
8. How many employees are employed at BP-Husky Refinery, corporate wide?
9. Is BP-Husky Refinery, Oregon, Ohio, a RCRA facility? If so, provide the EPA Identification Number.
10. Provide a copy of your emergency plan which outlines the procedures for notification of accidental releases at your facility.
11. Provide documentation regarding the training of your employees on the procedures for notification of accidental releases at your facility.
12. Provide the name and current address of the owner(s) of the property located at 4001 Cedar Point Road, Oregon, Ohio, during the time period of January 1, 2022, to the present.
13. Provide the name and current address of the operator(s) of the facility located at 4001 Cedar Point Road, Oregon, Ohio, during the time period of January 1, 2022, to the present.
14. If BP-Husky Refinery was a corporation during the time period of January 1, 2022, to the present, provide a copy of the Articles of Incorporation.
15. If BP-Husky Refinery was a subsidiary of a corporation during the time period of January 1, 2022, to the present, identify the parent corporation and provide copies of pertinent documents supporting the subsidiary relationship.

16. If BP-Husky Refinery was a division of a corporation during the time period of January 1, 2022, to the present, identify the corporation and provide copies of pertinent documents supporting the claim that this company is a corporate division.
17. If BP-Husky Refinery was a partnership during the time period of January 1, 2022, to the present, provide a copy of the partnership agreement.
18. If BP-Husky Refinery was a trust during the time period of January 1, 2022, to the present, provide all relevant agreements and documents to support this claim.
19. Provide a diagram of your facility in relation to each of the facility's boundaries, north, east, south, west, and identify the distance between the point of the release and each facility boundary.
20. Provide a description of the area including residential, commercial, and industrial nature of the area surrounding your facility including the approximate distance of your closest neighbor in each direction.

#### **Hydrogen Sulfide Release September 20, 2022**

21. Describe in detail the process that produced the release of hydrogen sulfide which occurred on September 20, 2022.
22. Describe in detail the chain of events that produced the release of hydrogen sulfide which occurred on September 20, 2022.
23. Identify each hazardous substance released and its Chemical Abstract Service (CAS) number.
24. How much of each hazardous substance was released? Describe your method or source of information in calculating the quantity released and provide the calculations.
25. Describe the surfaces on or to which each hazardous substance was released and how much was released to each surface. Describe your method or source of information in calculating the quantity and provide the calculations.
26. How much of each hazardous substance was released or migrated onto and/or into the soil and/or the subsurface strata? Describe your method or source of information in calculating the quantity and provide the calculations.
27. How much of each hazardous substance volatilized? Describe your method or source of information in calculating the quantity and provide the calculations.



28. How much of each hazardous substance was discharged into the sanitary sewer system? If any, describe the pre-treatment conducted by your facility. Describe your method or source of information in calculating the quantity and provide the calculations.
29. How much of each hazardous substance was discharged into the storm sewer system? Describe your method or source of information in calculating the quantity and provide the calculations.
30. Did the hazardous substance(s) react with any substance to cause a by-product? If so, explain and provide the calculations to show the reaction and quantity of each by-product released.
31. What was the concentration of each hazardous substance? Describe your method or source of information in determining the concentration.
32. Provide copies of any and all relevant descriptions of each hazardous substance(s) released, i.e., Material Safety Data Sheet (MSDS), Safety Data Sheet (SDS), Manifest, Analytical Data, etc.
33. Provide the RCRA hazardous waste identification number for each hazardous substance released if one exists.
34. Provide the results of any and all analyses, including but not limited to results of any sampling that was conducted regarding this release.
35. Describe in detail the actions taken by your employees and/or anyone else regarding the emergency response to this release, including any and all chemicals used, the handling or clean-up of the substance, including transportation and destination.
36. Was the release contained solely within a building or structure? If so, explain.
37. Did any of the substance(s) released migrate beyond your facility's boundaries? If so, explain.
38. Provide copies of any permits that cover this release and provide an explanation of why you believe this release is covered by this permit.
39. If the release was to a containment area, please respond to the following information requests:
  - (a) What are the materials of construction for the containment area?
  - (b) What are the dimensions of the containment area?

- (c) Did the containment area contain a neutralization agent? If so, what and how much of the neutralization agent was present?
40. If the release was from a storage area, i.e., tanker, storage tank, etc., provide the following information:
- (a) Location of the tank or storage area, inside or outside of a building, ground level, one story up, etc.
  - (b) Location of the leak in relation to the tank or storage area, i.e., top left side, center top, center side, etc.
  - (c) Size of the hole from which the leak occurred.
  - (d) Length of tank or storage area.
  - (e) Diameter of tank or storage area.
41. To the best of your knowledge what was the duration of the release from onset to mitigation? Explain how you determined the onset and mitigation of the release and what documents or information you relied on to make your determination.
42. Provide the weather conditions at the time of the release including the temperature, humidity, wind speed and direction, precipitation, sunny/cloudy, and barometric conditions.
43. Was the release from a pressurized system? If so, explain and provide the amount of pressure in pounds per square inch gauge (psig).
44. If all the hydrogen sulfide in the system was not released on September 20, 2022, how much hydrogen sulfide was in the system at the time of the release, and how much hydrogen sulfide was left in the system after mitigation of the release?
45. Was the release from a process pipe, a pipe connected to a tank, or a tank? If none of these apply, explain exactly where the release occurred.
46. If the release was from a process pipe or a pipe connected to a tank, provide the dimensions of the piping.
47. Were there any evacuations, persons medically treated, hospitalizations, and/or deaths associated with this release? If so, describe in detail.
48. Was there any known environmental damage, i.e., fish kills, vegetation damage? If so, describe in detail.
49. Provide both the date and time when you first realized that a hazardous substance was released from the facility on September 20, 2022.

50. Provide both the date and time when you had knowledge that a reportable quantity (RQ) of a hazardous substance was released from the facility on September 20, 2022.
51. If the time of knowledge of the release and time of knowledge of an RQ released is not the same, explain what actions your employees took in determining that an RQ was released.
52. Did BP-Husky Refinery notify the National Response Center regarding the September 20, 2022, release? If so, provide the name of the individual that provided the notification, the agency notified, and the date and time of each call.
53. Did BP-Husky Refinery notify the Ohio State Emergency Response Commission regarding the September 20, 2022, release? If so, provide the name of the individual that provided the notification, the agency notified, and the date and time of each call.
54. Did BP-Husky Refinery notify the Lucas County Local Emergency Planning Committee regarding the September 20, 2022, release? If so, provide the name of the individual that provided the notification, the agency notified, and the date and time of each call.
55. Did BP-Husky Refinery provide a written follow-up emergency notice to the Ohio State Emergency Response Commission, as required by EPCRA Section 304(c)? If so, provide documentation to support your claim.
56. Did BP-Husky Refinery provide a written follow-up emergency notice to the Lucas County Local Emergency Planning Committee, as required by EPCRA Section 304(c)? If so, provide documentation to support your claim.

**Sulfur Dioxide Release September 20, 2022**

57. Describe in detail the process that produced the release of sulfur dioxide which occurred on September 20, 2022.
58. Describe in detail the chain of events that produced the release of sulfur dioxide which occurred on September 20, 2022.
59. Identify each hazardous substance or extremely hazardous substance released and its CAS number.
60. How much of each hazardous substance or extremely hazardous substance was released? Describe your method or source of information in calculating the quantity released and provide the calculations.

61. Describe the surfaces on or to which each hazardous substance or extremely hazardous substance was released and how much was released to each surface. Describe your method or source of information in calculating the quantity and provide the calculations.
62. How much of each hazardous substance or extremely hazardous substance was released or migrated onto and/or into the soil and/or the subsurface strata? Describe your method or source of information in calculating the quantity and provide the calculations.
63. How much of each hazardous substance or extremely hazardous substance volatilized? Describe your method or source of information in calculating the quantity and provide the calculations.
64. How much of each hazardous substance or extremely hazardous substance was discharged into the sanitary sewer system? If any, describe the pre-treatment conducted by your facility. Describe your method or source of information in calculating the quantity and provide the calculations.
65. How much of each hazardous substance or extremely hazardous substance was discharged into the storm sewer system? Describe your method or source of information in calculating the quantity and provide the calculations.
66. Did the hazardous substance(s) or extremely hazardous substance(s) react with any substance to cause a by-product? If so, explain and provide the calculations to show the reaction and quantity of each by-product released.
67. What was the concentration of each hazardous substance or extremely hazardous substance? Describe your method or source of information in determining the concentration.
68. Provide copies of any and all relevant descriptions of each hazardous substance(s) or extremely hazardous substance released, i.e., MSDS, SDS, Manifest, Analytical Data, etc.
69. Provide the RCRA hazardous waste identification number for each hazardous substance or extremely hazardous substance released if one exists.
70. Provide the results of any and all analyses, including but not limited to results of any sampling that was conducted regarding this release.
71. Describe in detail the actions taken by your employees and/or anyone else regarding the emergency response to this release, including any and all chemicals used, the handling or clean-up of the substance, including transportation and destination.
72. Was the release contained solely within a building or structure? If so, explain.

73. Did any of the substance(s) released migrate beyond your facility's boundaries? If so, explain.
74. Provide copies of any permits that cover this release and provide an explanation of why you believe this release is covered by this permit.
75. If the release was to a containment area, please respond to the following information requests:
- (a) What are the materials of construction for the containment area?
  - (b) What are the dimensions of the containment area?
  - (c) Did the containment area contain a neutralization agent? If so, what and how much of the neutralization agent was present?
76. If the release was from a storage area, i.e., tanker, storage tank, etc., provide the following information:
- (a) Location of the tank or storage area, inside or outside of a building, ground level, one story up, etc.
  - (b) Location of the leak in relation to the tank or storage area, i.e., top left side, center top, center side, etc.
  - (c) Size of the hole from which the leak occurred.
  - (d) Length of tank or storage area.
  - (e) Diameter of tank or storage area.
77. To the best of your knowledge what was the duration of the release from onset to mitigation? Explain how you determined the onset and mitigation of the release and what documents or information you relied on to make your determination.
78. Provide the weather conditions at the time of the release including the temperature, humidity, wind speed and direction, precipitation, sunny/cloudy, and barometric conditions.
79. Was the release from a pressurized system? If so, explain and provide the amount of pressure in pounds per square inch gauge (psig).
80. If all the sulfur dioxide in the system was not released on September 20, 2022, how much sulfur dioxide was in the system at the time of the release, and how much sulfur dioxide was left in the system after mitigation of the release?
81. Was the release from a process pipe, a pipe connected to a tank, or a tank? If none of these apply, explain exactly where the release occurred.

82. If the release was from a process pipe or a pipe connected to a tank, provide the dimensions of the piping.
83. Were there any evacuations, persons medically treated, hospitalizations, and/or deaths associated with this release? If so, describe in detail.
84. Was there any known environmental damage, i.e., fish kills, vegetation damage? If so, describe in detail.
85. Provide both the date and time when you first realized that a hazardous substance or extremely hazardous substance was released from the facility on September 20, 2022.
86. Provide both the date and time when you had knowledge that a reportable quantity (RQ) of a hazardous substance or extremely hazardous substance was released from the facility on September 20, 2022.
87. If the time of knowledge of the release and time of knowledge of an RQ released is not the same, explain what actions your employees took in determining that an RQ was released.
88. Did BP-Husky Refinery notify the Ohio State Emergency Response Commission regarding the September 20, 2022, release? If so, provide the name of the individual that provided the notification, the agency notified, and the date and time of each call.
89. Did BP-Husky Refinery notify the Lucas County Local Emergency Planning Committee regarding the September 20, 2022, release? If so, provide the name of the individual that provided the notification, the agency notified, and the date and time of each call.
90. Did BP-Husky Refinery provide a written follow-up emergency notice to the Ohio State Emergency Response Commission, as required by EPCRA Section 304(c)? If so, provide documentation to support your claim.
91. Did BP-Husky Refinery provide a written follow-up emergency notice to the Lucas County Local Emergency Planning Committee, as required by EPCRA Section 304(c)? If so, provide documentation to support your claim.